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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,497	10/28/2005	Brock Wayne Watson	2725-11408	4401
78/091 Conley Rose, P.C. P.O. Box 3267 Houston, TX 77253-3267	7590 07/21/2008			
EXAMINER				
BOMAR, THOMAS S				
ART UNIT		PAPER NUMBER		
3676				
MAIL DATE		DELIVERY MODE		
07/21/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/528,497

**Applicant(s)**

WATSON ET AL.

**Examiner**

Shane Bomar

**Art Unit**

3676

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-25 and 34-41 is/are allowed.
- 6) ☒ Claim(s) 26-33 and 42-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 5 is objected to because of the following informalities: the claim is said to be (Original) but it is in fact (Currently Amended). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 26-30, 32, 42-46, and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2006/0096762 to Brisco.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claims 26, 28, 42, and 44, Brisco discloses a method and system for forming a mono diameter wellbore casing, comprising connecting an expansion cone 120 to a tubular support 116; anchoring an expandable tubular member 14 to the tubular support at a position

above the expansion cone with anchor 112 (Fig. 2b); then inserting the expandable tubular member into the wellbore; then expanding a first portion of the expandable tubular member with the expansion cone by pumping fluid through at least passages 104b and 124b, wherein 124b is smaller in diameter than 104b, thus multiplying the force of the fluid to the cone (Fig. 3b); then sealing off the first expanded portion of the expandable tubular member with a bottom packer 134 (Fig. 4b); and then pumping fluid into the expandable tubular member between the expansion cone and the sealed off first expanded portion (sealed by bottom packer 134) of the expandable tubular member to force the expansion cone through the expandable tubular member to expand a second portion of the expandable tubular member (Fig. 5c; paragraphs 0036-0038).

Regarding claims 27, 29, 43, and 45, expanding the first portion of the expandable tubular member with the expansion cone further comprises gripping the expandable tubular member with an anchor device 112 supported by the tubular support 116 (Fig. 2d); coupling an actuator 110 between the anchor 112 and the expansion cone 120; and moving the expansion cone with the actuator partially into the expandable tubular member to form the first expanded portion of the expandable tubular member (Figs. 3b and 3c).

Regarding claims 30, 32, 46, and 48, the expansion device is an expandable (thereby compliant) adjustable expansion cone (paragraph 0044).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 31, 33, 47, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisco in view of US 5,667,011 to Gill et al or in view of US 6,607,220 to Sivley.

Brisco teaches the expansion device of any one of claims 28 or 44 from above, although it is not explicitly taught that the device comprises an adjustable diameter expansion cone, a rotary expansion device, an adjustable diameter rotary expansion device, a compliant expansion device, an adjustable diameter compliant expansion device, a hydroforming expansion device, and/or an adjustable expansion diameter hydroforming device.

Gill et al teach an expansion device that is a cone or alternatively at least one of the aforementioned claimed devices, with the exception of a hydroforming device (Fig. 1; col. 3, line 64 through col. 4, line 20). Sivley teaches an expansion device that is a cone or a hydroforming expansion device (Fig. 1 and col. 5, lines 30-33). All the claimed elements were therefore known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

*Allowable Subject Matter*

7. Claims 1-25 and 34-41 are allowed.

*Response to Arguments*

8. Applicant's arguments, see pages 22-32, filed May 1, 2008, with respect to claims 1-25 and 34-41 have been fully considered and are persuasive. The rejection of these claims only has been withdrawn.
9. Applicant's arguments with respect to the Brisco reference have been fully considered but they are not persuasive. The Applicant first argues that there is no disclosure or suggestion in Brisco of displacing the expansion cone downwardly without using fluid pressure. However, this argument is more limiting than the claims themselves as the claims do not preclude the use of fluid pressure to displace the cone. The step of expanding the first portion, which is the step the Examiner assumes the Applicant is referring to, only requires the use of an expansion device with no limitations of what can or cannot cause the displacement. The Applicant next argues that Brisco does not include any of the "means" elements of claims 42-45. However, the Examiner respectfully disagrees with this assessment for the following reasons:
- i. The means for expanding with the cone and moving the cone includes multiplying the fluid force of the injected fluid by pumping the fluid through a larger diameter tubular 104b and then into a smaller diameter tubular 124b.
  - ii. The means for pumping and sealing includes a bottom packer 134 and the cone.

Thus, Brisco does disclose all of the currently claimed limitations in question.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane Bomar whose telephone number is (571)272-7026. The examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer H. Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shane Bomar/  
Examiner, Art Unit 3676